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July 25, 2005

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Signature

Our Case No. 11298/4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**Romuald Pawluczyk**

Serial No. 10/032,145

Filing Date: **December 21, 2001**

Title: **Raman Spectroscopic System with Integrating  
Cavity**

)  
)  
)  
) Examiner: **Eric Frank Winakur**  
)  
) Group Art Unit No. **3736**  
)  
)  
)

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(b)**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A notice of allowance was issued for the present application on **May 6, 2005**, indicating that the issue fee is due on **August 8, 2005**. The issue fee is being submitted for the present application in conjunction with this request for reconsideration of the patent term adjustment. The Patent Application Information Retrieval (PAIR) system and the notice of allowance both indicate a patent term adjustment that was calculated by the U.S. Patent office pursuant to 37

C.F.R. 1.701 of 413 days. A copy of Notice of Allowance for the present application is included herewith as Exhibit A.

Applicant's Attorney believes that the patent term adjustment should be 549 days. For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for the present application was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believe that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for the present application as described in detail below. The present application is not subject to a terminal disclaimer.

**Period of adjustment pursuant to 37 C.F.R. § 1.703**

**Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(1)**

Applicant agrees with the USPTO that the period of adjustment due to delay in the first Office Action, mailed on July 18, 2004, is 509 days, as indicated in Exhibit B.

**Period of adjustment pursuant to 37 C.F.R. § 1.703(b)**

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on

which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371. The USPTO calculation omits any adjustment due to this delay.

The present application was filed on **December 21, 2001**, as evidenced by the filing receipt attached as Exhibit C. The three-year date specified in 37 C.F.R. § 1.703(b) is **December 21, 2004**. On the date of mailing of the notice of allowance, May 6, 2005, the present application is believed to have already exceeded the three-year date by **136 days**. Applicant's Attorney expects that additional non-overlapping delay can reasonably be expected prior to a patent issuing for the present application. Applicant's Attorney therefore requests re-computation of the period of adjustment pursuant to 37 C.F.R. § 1.703 upon identification of the date of issue of the patent of the present application to reflect this delay. With this request, Applicant's Attorney further reserves the right to request reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d) if the term of the issued patent is believed to be extended or adjusted incorrectly.

**Reduction in Period of Adjustment pursuant to 37 C.F.R. § 1.704**

**Period of adjustment pursuant to 37 C.F.R. § 1.704(b)**

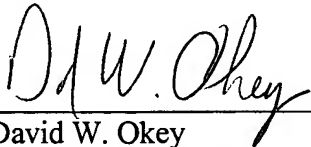
Pursuant to 37 C.F.R. § 1.704(b), the period of adjustment shall be reduced by the number of days, if any, beginning on the day after the date (the three-month date) that is three months after the date of mailing or transmission of an Office communication notifying the applicant of a rejection, objection, etc., and ending on the date a corresponding reply was filed. Applicant agrees with the USPTO that the Applicant's delay in filing a reply on January 18, 2005, amounts to an Applicant delay of **96 days**, as indicated in Exhibit B.

**Total patent term adjustment**

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delays pursuant to 37 C.F.R. § 1.704. Thus, according to our calculations, we believe that the patent term adjustment should be (509+136) days [USPTO delay] - (96) days [Applicant delay] = 549 days, instead of 413 days indicated on the Notice of Allowance attached as Exhibit A. The two periods of USPTO delay noted here are not overlapping with each other, in conformance with 37 C.F.R. § 1.703(f).

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for the present application may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact the undersigned attorney for the Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

 25 July 2005

David W. Okey  
Registration No. 42,959  
Attorney for Applicants

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(312) 321-4200

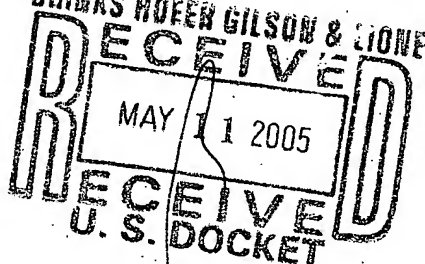


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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 05/06/2005  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610



EXAMINER	
WINAKUR, ERIC FRANK	
ART UNIT	PAPER NUMBER

3736  
DATE MAILED: 05/06/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,145	12/21/2001	Romuald Pawluczyk	11298/4	3548

TITLE OF INVENTION: RAMAN SPECTROSCOPIC SYSTEM WITH INTEGRATING CAVITY

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	08/08/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,145	12/21/2001	Romuald Pawluczyk	11298/4	3548

7590 05/06/2005

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CHICAGO, IL 60610

EXAMINER

WINAKUR, ERIC FRANK

ART UNIT PAPER NUMBER

3736

DATE MAILED: 05/06/2005

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 413 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 413 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

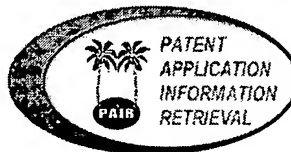
Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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## PATENT APPLICATION INFORMATION RETRIEVAL



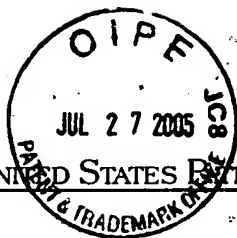
Patent Term Adjustment (PTA) for publication number: 10/032,145			
			Days
Filing or 371(c) Date:	12-21-2001	USPTO Delay (PTO):	509
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	96
Post-Issue Petitions (days):	+0	Total PTA:	413
USPTO Adjustment (days):	+0	Explanation of Calculations	

## Search Options

Image File Wrapper
File History
Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
05-06-2005	Mail Notice of Allowance		
05-06-2005	Mail Examiner's Amendment		
05-05-2005	Examiner's Amendment Communication		
05-05-2005	Notice of Allowance Data Verification Completed		
05-05-2005	Case Docketed to Examiner in GAU		
05-03-2005	Issue Revision Completed		
04-29-2005	Notice of Allowability		
02-17-2005	IFW TSS Processing by Tech Center Complete		
02-17-2005	Date Forwarded to Examiner		
01-18-2005	Response after Non-Final Action		96
01-18-2005	Request for Extension of Time - Granted		↑
01-18-2005	Workflow incoming amendment IFW		↑
07-14-2004	Mail Non-Final Rejection	509	↑
07-12-2004	Non-Final Rejection	↑	
06-29-2004	Case Docketed to Examiner in GAU	↑	
07-28-2003	Information Disclosure Statement (IDS) Filed	↑	
08-05-2002	Information Disclosure Statement (IDS) Filed	↑	
07-22-2002	Information Disclosure Statement (IDS) Filed	↑	
08-11-2002	Case Docketed to Examiner in GAU	↑	
07-30-2002	Transfer Inquiry to GAU	↑	
07-24-2002	Application Dispatched from OIPE	↑	
07-22-2002	Application Is Now Complete	↑	
06-11-2002	Payment of additional filing fee/Preexam	↑	
06-11-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑	
03-14-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	↑	
03-08-2002	IFW Scan & PACR Auto Security Review	↑	

01-24-2002	IFW Scan & PACR Auto Security Review	↑	
12-21-2001	Initial Exam Team nn	↑	



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/032,145	12/21/2001	2877	567	11298/4	5	30	4

CONFIRMATION NO. 3548

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610

## UPDATED FILING RECEIPT



\*OC000000008487370\*

Date Mailed: 07/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Romuald Pawluczyk, Ontario, CANADA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 03/14/2002

Projected Publication Date: 06/26/2003

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

## Title

Raman spectroscopic system with integrating cavity

Preliminary Class

356



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Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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